



## Zambia

### Country Reports on Human Rights Practices - [2001](#)

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Zambia is a republic governed by a president and a unicameral national assembly. After 2 decades of one-party rule, free and fair multiparty elections in November 1991 resulted in the victory of the Movement for Multi-Party Democracy (MMD) and the election of President Frederick J.T. Chiluba, a former trade unionist. In 1996 elections, President Chiluba was reelected. On December 27, Levy Mwanawasa of the MMD was elected president, and his party won 69 out of 150 seats in the National Assembly. The MMD's use of government resources, including the state-owned media, raised questions over the fairness of the elections. The voting and counting processes generally were transparent, and there were no reports of violence or overt intimidation during the elections. Although noting general transparency during the voting, domestic and international observer groups cited irregularities in the registration process and problems in the tabulation of the elections. Opposition parties further alleged that significant rigging took place during the elections; however, such allegations were not proven by year's end. Three opposition parties reportedly planned to challenge the elections in court; however, no challenge was initiated by year's end. Mwanawasa was expected to be sworn in on January 2, 2002. The Constitution mandates an independent judiciary, and the Government generally respected this provision in practice; however, the judicial system is hampered by lack of resources and inefficiency.

The police, divided into regular and paramilitary units operating under the Ministry of Home Affairs, have primary responsibility for maintaining law and order. The Zambia Security and Intelligence Service, under the Office of the President, is responsible for intelligence and internal security. Police continued to commit numerous, and at times serious, human rights abuses.

The Government continued its free market economic reform program. Economic performance improved, with a growth rate of 4 percent through much of the year. The annual inflation rate declined from 35 percent to 17 percent during the latter half of the year. Balance of payments support by foreign donors continued as a result of greater government attention to governance issues and the privatization of the mines. Approximately 80 percent of the country's population of an estimated 10.3 million live in extreme poverty.

The Government's human rights record remained generally poor; however, there were some improvements in a few areas. Citizens' right to change their government was respected in presidential, parliamentary, and local government elections; however, there were credible allegations of election irregularities. Police officers reportedly committed several extrajudicial killings and frequently beat and otherwise abused criminal suspects and detainees. Police officers who commit such abuses often do so with impunity; however, some officers remained in detention pending trial. The lack of professionalism, investigatory skill, and discipline in the police force remained serious problems. Prison conditions were harsh and life threatening. The Government's commission of inquiry released its report into the alleged torture during detention of suspects in a 1997 coup attempt; however, the Government declined to take action against those accused in the report. Arbitrary arrests, prolonged detention, and long delays in trials remained problems. The courts exhibited increased independence by issuing a number of rulings against the Government or the MMD. Police infringed on citizens' privacy rights. Although there were indications of some relaxation, the Government generally continued to restrict press freedom. The Government restricted freedom of assembly. Human rights and civic organizations and political parties continued to complain of government harassment; however, these groups were instrumental in halting attempts by supporters of the President to amend the Constitution to allow him to seek a third term. Violence against women remained widespread. Women continued to experience discrimination in both law and fact, including the denial of widows' inheritance rights. Child abuse was a problem. Discrimination against persons with disabilities was a problem. Child labor was a problem in rural subsistence occupations and some urban occupations. There were reports of trafficking in persons.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary or Unlawful Deprivation of Life

Police reportedly committed several extrajudicial killings during the year. At Chikankata police post on August 24, two police officers beat to death Lameck Siamapande, who was in police custody on suspicion of theft. On September 3, the two officers were arrested following calls for their arrest from the Permanent Human Rights Commission (PHRC) and the Young Women's Christian Association. The police officers remained in detention pending trial at year's end.

In August a police officer was accused of shooting and killing three teachers while he was off duty. AFRONET, the local human rights nongovernmental organization (NGO), demanded that police investigate the case and take action against the officer. The case was investigated; however, no arrests were made by year's end.

A large number of prison inmates died due to illness and harsh conditions (see Section 1.c.).

In 2000 Kelvin Mushabati and Geoffrey Michelo died of suffocation after a police officer threw a tear gas canister into their prison cell. The police officer responsible for the killings was charged with murder; he remained in detention pending a trial at year's end.

In August two police officers were sentenced to death for the murder of a truck driver in 1999 and to 30 months' imprisonment with hard labor for the attempted murder of a passenger in the truck.

In 1999 four gunmen shot and killed Wezi Kaunda, the son of former President Kenneth Kaunda, during an apparent carjacking in Lusaka. The Government permitted forensic specialists and a team of advisors from Scotland Yard to participate in an investigation in response to a request from the Kaunda family. Two suspects were arrested. During their trial, one of the suspects claimed that the MMD was responsible for the killing; however, a letter reportedly written by the suspect alleged that several UNIP officials were responsible. Final submissions in the case were made during the year; however, no ruling was issued by year's end.

The police constable who beat to death Sailas Mabvuto Lungu in 1999 remained in detention awaiting trial at year's end.

No further action was taken during the year nor is any likely in the following cases from 1999: The August case of a pregnant woman who died in police custody, as a result of police abuse; and the March case of Khondwani Musukwa who died in police custody, apparently as a result of torture.

In January three police officers charged with the 1998 death in detention of Bertha Mungazila were acquitted, largely on the basis of testimony by a police pathologist who indicated that Mungazila could have died from "extreme fear of detention." The pathologist's testimony directly contradicted the findings of a coroner who, during an official inquiry into Mungazila's death, determined that Mungazila died as a result of torture.

Since 1980 more than 200 persons have been killed or injured by landmines in the country; however, there were no reports of deaths from landmines during the year.

On July 6, unknown persons killed Paul Tembo, a former senior MMD official, at his home. The killing appeared to be an attempted robbery, but the attackers declined offers of money on the premises and did not take any valuables with them. Tembo's killing occurred the night before he was to testify before a tribunal convened to investigate charges of financial fraud. Tembo's testimony was expected to be highly damaging to the government ministers being investigated and, by extension, the President. The police made no arrests in connection with Tembo's killing by year's end.

The conflict in Angola periodically led to armed attacks within the country's territory, which resulted in civilian deaths; in November seven citizens were killed in one of these armed attacks perpetrated by Angolan government soldiers.

Unlike in the previous year, Congolese rebels did not cross into the country and kill civilians.

#### b. Disappearance

There were no reports of politically motivated disappearances. However, there were reports that National Union for the Total Independence of Angola (UNITA) rebels or Angolan government forces abducted persons, particularly young persons, for forced labor in Angola (see Sections 6.c. and 6.f.). On November 9, Angolan government troops reportedly abducted at least 50 villagers from the district of Shang'ombo after entering the country in pursuit of UNITA rebels. The Government requested that the Angolan Government return the villagers, and the villagers were returned by year's end.

### c. Torture and Other Cruel, Inhuman, or Degrading

#### Treatment or Punishment

The Constitution prohibits such practices; however, police frequently used excessive force when apprehending, interrogating, and detaining criminal suspects or illegal immigrants. In most instances, detaining officers who beat suspects generally were not disciplined or arrested for such acts.

In January police and a neighborhood watch group beat, detained, and subsequently released with a charge of immoral behavior 11 men who were suspected of killing a man. No action reportedly was taken against the responsible officers by year's end.

According to the Legal Resources Foundation, in January eight officers of the Kabwe flying squad tortured Adess Ngulube in her home and at a police station. Ngulube was beaten, pinched with pliers, and suspended with her hands and feet bound from what is locally known as "kempelwa" (the swing). The officers suspected that her husband, convicted of treason in connection with a 1997 coup attempt, had left her two rifles and a pistol that she was hiring out to criminals. The police received a search warrant and searched her home. Ngulube was charged with unlawful possession of a firearm, although it is not clear that the police found any weapons at her property. No action reportedly was taken against the responsible officers by year's end.

In March four Lusaka Central police officers beat and detained Godfrey Mulundano on accusations that he had stolen a police bicycle. No charges were pressed against him. One of the responsible officers was charged; however, no further action was taken by year's end.

On May 5, police used tear gas to prevent forcibly persons from entering the site of a banned rally (see Section 2.b.). An elderly man was struck by a car and killed as bystanders fled both the tear gas and rocks thrown by rally participants.

The police officer arrested for killing two detainees in 2000 remained in detention pending trial at year's end (see Section 1.a.).

There were no developments during the year in the 2000 case of a Radio Phoenix reporter who was beaten by members of the MMD while investigating reports of extortion by MMD cadres at the central market (see Section 2.a.).

There was no known action taken during the year, nor is any action likely to be taken, against the police responsible for torturing, beating, or abusing the persons in the following cases from 2000: The August case at the University of Zambia that followed demonstrations the day prior; the August case of Hendrix Mbumwai; and the January case of Shadreck Selemani.

There was no known action taken during the year, nor is any action likely to be taken, against the police responsible for torturing, beating, or otherwise abusing the persons in the following cases from 1999: The September case of Dave Wanjeke; the September case of Benson Mwale; the June case of Cedrick Phiri; and the March case of the young man at the Woodlands Police Station.

In response to pressure from the PHRC, foreign governments, NGO's, and other human rights organizations, in May 1998, the Government agreed to initiate an independent inquiry into the torture claims of seven persons detained during the 1997 coup attempt. In August 1998, the Government established a commission of inquiry, which completed its work and submitted a report to President Chiluba in 2000. In March the Government publicly released the report and issued a response. The report detailed a pattern of widespread torture during the coup investigation and highlighted systemic problems that created a climate of impunity for torture. It made recommendations for compensation to victims, disciplinary action against members of the police force, and reforms for improvement in the administration of justice. The Government accepted the finding that torture occurred; however, it criticized the overall quality of the report because the commission did not consider the special circumstances created by the fact that a coup had been attempted. The Government decided not to compensate the victims and does not intend to implement any of the recommended disciplinary measures.

The lawsuit filed in 1999 by Dean Mung'omba claiming torture during detention in 1997 was ongoing at year's end. Mung'omba had suspended action on his suit pending the Government's response to the Commission of Inquiry on Torture Allegations. Because the Government refused to compensate victims as recommended by the Commission's report, Mung'omba decided to resume action on the case.

In 1999 the Government promised to institute measures to monitor and reform police operations to ensure that civil liberties are protected. It further directed the police, prisons, and immigration departments to intensify human rights training among their officers, which has been part of their basic training since 1997. The training of new recruits continued during the year, and there was greater training within the police force. The Government took no action on its statements in 1998 that it would amend the Police Act to provide for the establishment of a police authority to which members of the public could direct complaints pertaining to police harassment and abuse.

Police corruption also was a problem. There were several reports that police released prisoners in exchange for bribes of between \$55 and \$85 (200,000 to 300,000 kwacha). Citizens in private debt disputes often were detained by police in exchange for a portion of the payment owed (see Section 1.d.). Police sometimes committed extortion at roadblocks or required document processing "fees" or gas money in order to commence investigations (see Section 2.d.). The number of roadblocks was reduced nationwide in 2000 on order of the Inspector General of Police in an effort to reduce the opportunity for corruption (see Section 2.d.). Police action was politicized in the delivery of authorizations for public meetings. Although such politicization decreased briefly after a court ruling (see Section 2.b.), it resumed during the campaigns for the December elections.

The police investigated instances of police use of excessive force and have disciplined officers found to have committed human rights abuses. Officers who commit serious abuses sometimes are prosecuted; some have been convicted and sentenced to prison (see Section 1.a.). Other cases of abuse in detention frequently go unpunished unless a NGO takes up the case on behalf of the victim. Punishment, if any, usually comes years after the abuse was committed. Authorities arrested some police officers on such criminal charges as murder and robbery. For example, in August two officers were arrested and charged with murder after they beat to death a suspect while he was in police custody (see Section 1.a.). Their trial still was pending at year's end. Senior government officials acknowledged the problem of police abuse and requested foreign donor assistance for training for the police. In 2000 the Government announced its intention to create a national forensic laboratory to provide the police with resources for professional investigations, and it began plans for the laboratory's establishment during the year. In 1999 the High Court issued a decision banning corporal punishment in the country; however, some chiefs in Northern Province continued to use corporal punishment as a disciplinary measure in local court cases. During the year, the Government made efforts to enforce the ban by publicizing it.

Human rights training for new recruits, middle ranks, and long-serving officers continued at the police academy. The training has raised police awareness of human rights; however, there was no decrease in police use of physical force to gather information from suspects.

Since 1980 more than 200 persons have been killed or injured by landmines in the country; however, there were no reports of injuries from landmines during the year.

Groups of UNITA deserters and Angolan government forces entered the country and seized food and goods by force from villages. On at least one occasion, they forced young men and women to accompany them back to Angola (see Sections 1.b. and 6.f.).

Prison conditions are harsh and life threatening. According to official statistics, prisons designed to hold 5,330 prisoners held more than 12,741. This severe overcrowding, combined with poor sanitation, inadequate medical facilities, meager food supplies, and lack of potable water resulted in serious outbreaks of dysentery and other diseases, including tuberculosis. According to statistics released by the High Court, 204 prisoners died in prison between January and September due to illness and harsh conditions. In 1999 the Commissioner of Prisons attributed the serious overcrowding in prisons to the slow pace that the courts dispose of cases. Prison congestion began worsening starting in February when magistrates and local court justices went on strike (see Section 6.a.). Women and men are held separately. Juveniles often are not held separately from adults. Pretrial detainees are not held separately from convicted prisoners.

In 1999 the Magistrates and Judges' Association of Zambia expressed its intention to undertake efforts to release all eligible detainees on bail in order to reduce prison congestion. According to the Association, Kamwala Remand Prison in Lusaka contained 636 inmates, although it had been designed to hold only 200.

In 1999 the PHRC announced that it would employ prison inspectors to ensure that inmates are kept in habitable environments. The PHRC submitted a request to the Ministry of Finance for funds to support the

creation of prison inspector positions, but the request was not approved (see Section 4). The Government generally permits prison visits by both domestic and international NGO's and by resident foreign diplomats. Provincial human rights committees periodically inspected prison conditions. Foreign diplomats and an international human rights NGO conducted prison visits during the year (see Section 4).

#### d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest and detention; however, the Government does not observe these prohibitions. Criminal suspects often are arrested on the basis of insubstantial evidence or uncorroborated accusations. Family members or associates of criminal suspects sometimes were detained, interrogated, and physically abused by the authorities in attempts to identify or locate suspects. In criminal cases, the law requires that a detainee be charged and brought before a magistrate within 24 hours; in practice the authorities hold most detainees for more than 1 month from commission of an offense to first appearance before a magistrate. In many cases, an additional period of 6 months elapses before a magistrate commits the defendant to the High Court for trial. Following committal, preparation of the magistrate court record for transmittal to the High Court takes months, or in some cases as long as a year. Once a case reaches the High Court for trial, court proceedings last an average of 6 months. Unlike in previous years, all 72 magistrate positions were filled during the year; however, magistrates and judges went on strike in February (see Section 6.a.). By law attorneys and family members are permitted access to pretrial detainees.

Police stations frequently become "debt collection centers," where police officers acting upon unofficial complaints detain debtors without charge, indefinitely, until they pay the complainants. In return the police receive a percentage of the payments (see Section 1.c.).

In January police at Lusaka's Castle Police Post detained a 1-year-old girl in order to compel her parents to submit to questioning about the possible criminal activity of a relative. The child and her mother were released unconditionally after 16 hours; the child's father was detained for 4 days at the Woodlands Police Station, then released without charge.

In March police detained for approximately 2 months Kennedy Kangwa on a charge of threatening violence, then released him unconditionally. Kangwa was not given a "warn and caution statement," nor did officials inform him about the basis for the charge against him.

In March four Lusaka Central police officers beat and detained for several hours Godfrey Mulundano on accusations that he had stolen a police bicycle; he was not charged. One of the responsible officers was charged; however, no further action was taken by year's end.

In June United Party for National Development President Anderson Mazoka was arrested and detained for several hours for rioting and causing malicious damage to a government vehicle in the Mkushi parliamentary by-election. In August the Director of Public Prosecutions dismissed the charge against Mazoka.

In September police arrested Emily Sikazwe, director for Women for Change, an NGO, for refusing to vacate the presidential suite at a Chipata guesthouse; however, the police commanding officer at Chipata determined that there were no grounds for the arrest and ordered the arresting officers to return Sikazwe to the guesthouse.

Authorities arrested two journalists on charges of defamation during the year (see Section 2.a.).

The case against four opposition cadres who were arrested in 2000 for shouting anti-MMD slogans during an election campaign was pending at year's end.

In 2000 Alfred Zulu, a prominent human rights activist was detained and charged with financial fraud; however, no further action was expected against him (see Section 4).

Donald Phiri, who was charged with murder in 1999 following an illegal police search of his father's home, was released from detention; however, his case was ongoing at year's end.

The case against Imasiku Mutangelwa, the leader of a small organization known as the Barotse Patriotic Front (BPF), was pending with the High Court at year's end. Mutangelwa was sought by police for questioning in 1999, after he made statements supporting a separatist rebellion in Namibia; he was arrested and charged with belonging to an unlawful society. Mutangelwa was released on bail after his arrest, and his case was ongoing at year's end.

Pretrial detention often was prolonged. The number of detainees awaiting trial in Lusaka rose from 500 to 1,000 between February and April. Approximately 1,288 of 2,251 detainees in the Lusaka region were awaiting trial at the end of 2000. In some cases defendants have been awaiting trial for as long as 4 years. There was some progress in holding trials; in past years, some defendants had waited as long as 10 years for their trials to commence. These long delays were a result of inadequate resources, inefficiency, lack of trained personnel, and broad rules of procedure that give wide latitude to prosecutors and defense attorneys to request adjournments. The High Court Commissioner can release detainees if prosecutors fail to bring the case to trial, although that did not occur in any case during the year. Although there is a functioning bail system, overcrowded prisons reflect in part the large number of detainees charged with serious offenses for which bail is not granted. These include treason, murder, aggravated robbery, and violations of narcotics laws. There were no cases of "constitutional bail," which may be granted in cases in which a judge determines that the accused has been detained for an excessive period without evidence being presented against him or her. Indigent detainees and defendants rarely have the means to post bail. The Government's legal aid office is responsible for providing representation for indigent detainees and defendants in criminal or civil cases; however, in practice few receive assistance. The office had 9 attorneys and a budget of \$160,000 (576,000,000 kwacha) during the year.

The authorities held in detention pending deportation approximately 300 illegal immigrants, principally from neighboring countries. Because the immigration authorities lack funds for deportation, illegal immigrants sometimes are kept in prison for extended periods, sometimes for more than 5 years. There were 199 illegal immigrants in detention in Lusaka at year's end.

The 1996 case involving the indefinite incarceration of three newspaper reporters on charges of contempt of the House remained pending. Although the High Court dismissed the sentences, and the three were released from custody, the Government appealed the case, seeking to reinstate detention of the reporters. The Government is unlikely to continue its appeal, primarily because two of the reporters involved in the case died (see Section 2.a.).

The law prohibits government use of exile for political purposes, and the Government does not use it; however, it has used deportation and the threat of deportation for political purposes against persons whose claims to citizenship it has refused to recognize. No one was deported during the year; however, Majid Ticklay, who was deported by the Government in 2000 after he wrote a letter that was published in the Post newspaper publicly urging the Asian community to unite behind one political party, remained under a deportation order.

During the year, a number of citizens remained in self-imposed political exile in foreign countries, including: Liberal Progressive Front President Dr. Roger Chongwe, in Australia; Zambia Democratic Congress General Secretary Azwell Banda, in South Africa; former editor of the defunct newspaper, Confidential, Reverend Steward Mwila, in South Africa; and former President Kaunda's daughter, Catherine Mwanza, in South Africa.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice; however, the judicial system was hampered by lack of resources and inefficiency. The President nominates and the National Assembly confirms the Chief Justice and other members of the Supreme Court.

The Supreme Court has appellate jurisdiction for all legal and constitutional disputes. The High Court, which holds regular sessions in all nine provincial capitals, has authority to hear criminal and civil cases and appeals from lower courts. Magistrate courts have original jurisdiction in some criminal and civil cases; local, or customary, courts handle most civil and petty criminal cases in rural areas.

Local courts employ the principles of customary law, which vary widely throughout the country. Lawyers are barred from participating in proceedings in such courts, and there are few formal rules of procedure. Presiding judges, who usually are prominent local citizens, have substantial power to invoke customary law, render judgments regarding marriages, divorces, inheritances, other civil proceedings, and rule on minor criminal matters. Judgments often are not in accordance with the Penal Code. For example, they tend to discriminate against women in matters of inheritance (see Section 5).

Trials in magistrate courts are public, and defendants have the opportunity to confront their accusers and present witnesses. However, many defendants lack the resources to retain a lawyer, and the limited resources of the Government's legal aid department mean that many citizens entitled to legal aid find that it is unavailable. Courts are congested, and there are long delays in trials while the accused are in custody. The Magistrates and Judges' Association made an effort to expedite the process of court appearances in 2000 by setting up a fast-track court that could quickly hear minor, uncomplicated cases. During the year, this mechanism was suspended during a strike by the Magistrates and Judges' Association but resumed upon

termination of the strike (see Section 6.a.). The fast-track courts reportedly have speeded up the process and decreased the number of persons in pretrial detention; however, no figures were available to support these assertions.

Courts continued to act independently and at times made statements critical of the Government. For example, in April a judge ordered the police to provide security for a rally that the police initially had banned, which reinforced established procedures under which police may grant or deny permission for organizations to conduct public events (see Section 2.b.). However, after an initial period of compliance with the order, the police again frequently banned political gatherings. In May a judge granted an injunction to 22 members of the ruling MMD barring the party from expelling these members because of their opposition to the proposed presidential third-term amendment (see Section 3). In September a judge granted an injunction to an elections NGO that required the state-owned broadcaster, ZNBC, to air the NGO's prepaid programming (see Section 2.a.); ZNBC complied with the injunction.

Appeals in the cases of 59 military personnel detained during a 1997-98 state of emergency and later sentenced to death for involvement in an attempted coup were ongoing at year's end.

There were no reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions; however, the Government frequently does not respect these prohibitions in practice. The law requires a search or arrest warrant before police may enter a home, except during a state of emergency. Police routinely ignored this requirement and often arrested alleged criminals at their homes without first having obtained an arrest warrant.

The Constitution grants the Drug Enforcement Commission and the Zambian Intelligence Security Service authority to wiretap telephones for probable cause. In 1996 the Inspector General of Police admitted in open court that he had ordered the illegal wiretaps of the telephones at the offices of the Post, an independent daily newspaper. The case still was pending at year's end, and it is unlikely to be resolved. There were no confirmed reports of wiretaps during the year; however, the opposition alleged that the Government wiretapped their telephones.

Police detained and abused relatives and associates of suspects during the year (see Section 1.d.).

Roundups of suspected illegal aliens in the home or workplace continued. According to the Government's Commissioner for Refugees, immigration officials are empowered under the law to conduct these roundups without a warrant.

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government at times restricted these rights in practice. The Penal Code prohibits various activities that may be interpreted broadly to restrict these freedoms.

In response to headlines and stories of alleged corrupt practices on the part of government officials, the accused government officials and other individuals have brought numerous libel suits against the independent Post newspaper. At year's end, nearly 80 cases filed over a period of 5 years were waiting to be adjudicated. The print media routinely criticized the Government.

The law provides for investigative tribunals to call as witnesses journalists and media managers who print allegations of parliamentary misconduct. Failure to cooperate with a tribunal may result in charges of contempt punishable by up to 6 months in jail. The media have criticized these provisions as a clear infringement of press freedom and as a means for parliamentarians to bypass the court system in dealing with libel suits against the media.

Although the Post ran a series of articles containing explicit information on government corruption cases between May and September, Post staff was not targeted for legal action over any of these stories. However, in August authorities arrested Post editor Fred M'membe, reporter Bivan Saluseki, and Member of Parliament (M.P.) Edith Nawakwi on charges of defaming the President. Nawakwi had called President Chiluba a thief in

public remarks, which Saluseki subsequently reported in the Post. All three accused were released on bail on the day of their arrest; however, M.P. Dipak Patel was arrested later in August on the same charge and released on the day of his arrest. In September an initial hearing was held for the four; however, the trial did not resume by year's end.

Unlike in the previous year, there were no reports of warnings by the Minister of Information against the media during the year; however, in August the Government temporarily closed for 1 month a private radio station, Radio Phoenix.

The Government exercised considerable influence over the government-owned media, including reviewing articles prior to publication and censoring of individuals responsible for published articles or programs deemed offensive by the Government. As a result, workers in the government media generally practice self-censorship. The government-owned media continued to be supportive of the Government, and there was less active government interference than in the previous year. Editorial independence in the government press was particularly noteworthy during the public debate about the third term amendment, when a government-owned newspaper carried neutral reporting on the activities of the anti-third-term movement and ran an editorial supporting the right of the public to debate the amendment (see Section 3).

A number of privately owned newspapers question government actions and policies, and these circulate without government interference. For the last 5 years, the leading private daily, the Post, has had an Internet site that has attracted more than 15,000 readers per month. The government-controlled Times of Zambia and Zambia Daily Mail, two of the most widely circulated newspapers, also have web sites.

In addition to the government-controlled radio station, there are several church-related radio stations, two private commercial radio stations, and three community radio stations in various locations in the country. On August 19, the Government shut down Radio Phoenix for failure to renew a transmitter license. Radio Phoenix had tried to renew the license prior to its expiration, but the Government failed to provide guidelines for the necessary renewal procedures in a timely manner. Human rights and political observers believe the reason for the shutdown was the increasing criticism of the Government during the station's live-broadcast call-in program, Let the People Talk. On September 18, Radio Phoenix's license was renewed, and it subsequently resumed broadcasting.

Radio Phoenix rebroadcasts Voice of America (VOA), British Broadcasting Corporation (BBC), and South African Broadcasting Corporation (SABC) items. A Catholic radio station, Radio Yatsani, received its license in September. The license limits it to only three newscasts of 3 minutes each per day. Yatsani officially has permission to rebroadcast VOA and BBC transmissions but must first have excerpts approved by the Ministry of Information, a process that effectively eliminated timely rebroadcasts.

In 2000 a Radio Phoenix reporter was detained and beaten by members of the MMD while investigating reports of extortion by MMD cadres at the central market. Police conducted an investigation and arrested those suspected of assaulting the reporter. In response to pressure from MMD officials, the suspects were released the same month, and the case is unlikely to be resumed.

The Government owns the sole local-content television station, the Zambia National Broadcasting Corporation (ZNBC). Multichoice, a telecommunications company based in South Africa, provides satellite and analog wireless subscribers with television services. These services include broadcasts of Cable News Network (CNN), BBC World Sky Television, and the SABC's Africa News. They also provide three BBC, one Radio France International, and VOA radio news broadcasts. None of the services includes local news coverage. There is a second wireless television service, CASAT. Trinity Broadcasting Network, a foreign-based, church-related television network, broadcasts a 24-hour transmission of prerecorded religious programming from a rented studio at the former ZNBC complex.

During its 1991 campaign, the MMD promised to privatize the government-owned media. Following its election, the MMD offered the government-owned media organizations independence, but stipulated any media organization accepting the offer would no longer receive government financial support. Of the four major government-owned media organizations, The Times of Zambia, The Zambia Daily Mail, the ZNBC (radio and TV), and the Zambian Institute of Mass Communication (a media training organization), only the latter accepted the offer and gained independence. Opposition political parties complain that government control of the three other media bodies limits their access to the chief means of mass communication in the country. In September the ZNBC tried to cancel broadcasts by an elections NGO, Coalition 2001, saying that its programming had to include representatives of the MMD. Coalition 2001 obtained an injunction requiring the ZNBC to allow Coalition 2001 to use its prepaid broadcast time. In September the Government permitted ZNBC television and radio to broadcast live a 90-minute debate among presidential candidates.



The Government does not restrict academic freedom. Although the law gives the University Council a mandate to address faculty concerns, the Minister of Education is empowered to appoint the members of the Council; some academics have criticized this provision as an infringement of academic freedom.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. The law requires rally organizers to notify the police 7 days in advance of a rally. The police may advise the organizers that the time or venue is inopportune. In practice the police did not interfere with most peaceful rallies whose leaders followed the prior notification rule and that could be described as politically neutral or favorable to the Government or MMD; however, authorities sometimes denied permission to proceed with or cancelled rallies planned by the political opposition, particularly during by-election campaigns. In April police banned a rally organized in opposition to a proposed presidential third-term amendment to the Constitution; however, because the police denied permission for the rally fewer than 5 days before the event, a judge ordered the police to provide security for the rally. The judge's ruling was applicable to the whole country, and the police initially stopped blocking rallies and public meetings; however, the police again banned several public events during the campaign for the December elections (see Section 3).

In April university students staged an unauthorized march in opposition to the third-term amendment from the University to the Parliament buildings. Police lined the route of the march but did not interfere with the students' progress; following discussions between police and student leaders the march dispersed, and no violence occurred.

On May 5, police cancelled a rally for those who were opposed to the third-term amendment, although the rally previously had been authorized. Police then used tear gas to prevent forcibly participants from entering the rally site (see Section 1.c.).

In July the police refused to grant permission for a rally by the Social Democratic Party (SDP) at N'Gombe township in Lusaka; however, although police had violated the notification provisions of the law, the SDP did not seek legal redress.

There was no known action taken against police responsible for injuring students during a demonstration in 2000.

Unlike in the previous year, government officials did not warn publicly of "drastic action" against two NGO's, AFRONET and the Zambian Independent Monitoring Team (ZIMT).

The Constitution provides for freedom of association; however, the Government placed some limits on this right in practice. All organizations must apply formally for registration to the Registrar of Societies. In most cases, government authorities routinely approved these applications. However, in 1999 the Government denied the application of a group of former servicemen who wanted to form an association. The Government argued that an organization for former servicemen already existed and did not permit the servicemen to register. There are 45 political parties and dozens of NGO's registered. The Government threatened to take action against those organizations that did not submit annual reports to the Registrar of Societies. In 1999 the Ministry of Home Affairs withdrew the registration of more than 20 NGO's that did not comply with the reporting requirement. The NGO's that complied with the requirement, including those that frequently criticized the Government, continued to be registered. None of the NGO's that were deregistered in 1999 was re-registered; however, it is unknown whether any reapplied for registration, and some of the NGO's reportedly were defunct.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice. Although a 1996 amendment to the Constitution declared the country a Christian nation, the Government in practice generally respects the right of all faiths to worship freely.

Governmental controls require the registration of religious groups. The Government approved all applications for registration from religious groups without discrimination. There were no reports that the Government rejected any religious groups that attempted to register or obtain licenses.

An office for religious affairs at the level of deputy minister in the President's Office at State House is responsible for dealing with issues that pertain to religion and worship, and to the promotion of state-church understanding and interfaith dialog.

The Zambia Episcopal Conference, the Christian Council of Zambia, and the Evangelical Fellowship of Zambia were criticized by individuals, including some members of the Government, for publicly opposing efforts to amend the Constitution to enable the President to seek a third term of office. A Catholic bishop was heckled by supporters of the President when he read a pastoral letter condemning the third term campaign during a church service. The Government subsequently apologized to the bishop for this behavior. In spite of Government criticism of these churches for taking a stand on a political issue, these organizations were able to organize activities freely to mobilize public opinion on the third-term issue.

#### d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights; however, at times the Government limited them in practice. Police roadblocks to control criminal activity continued, and police at times extorted money and goods from motorists (see Section 1.c.). Roadblocks were closed during most of 2000 to facilitate travel and reduce opportunities for corruption; however, several roadblocks returned to operation during the 2000 holiday season reportedly to limit drunk-driving accidents; some of these roadblocks subsequently were not removed.

Resident doctors who engaged in a strike in 2000 were barred from leaving the country; however, the strike was resolved, the ban on leaving the country was lifted, and most resident doctors returned to work (see Section 6.a.).

During a November raid by Angolan government forces, approximately 100 villagers in Shangombo district of Western Province temporarily were displaced.

The law does not provide for the granting asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, in practice the Government complies with the provisions of these agreements. The U.N. High Commissioner for Refugees (UNHCR) estimated that there were approximately 266,000 refugees, mainly Angolans and Congolese, in the country at year's end. A group of more than 100 former combatants from the Democratic Republic of the Congo (DRC) who entered the country in 2000 were accorded temporary refugee status and relocated to a camp far from the DRC border. The Government and UNHCR planned to undertake additional evaluation on the eligibility of these former combatants. The Government cooperated with the UNHCR in processing applications for refugee status, and in accommodating the refugees.

The Government provided first asylum to approximately 12,000 new refugees from Angola during the year, including former UNITA soldiers and their families. In October the Government and UNHCR began transferring approximately 450 Angolan former combatants and their families to the Eastern Province, which is farther from the Angolan border. The authorities held in detention pending deportation approximately 300 illegal immigrants, principally from neighboring countries (see Section 1.d.). Because the immigration authorities lack funds for deportation, illegal immigrants may be detained for extended periods, sometimes for more than 5 years.

#### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government, and citizens are able to exercise this right in practice through periodic elections held on the basis of universal suffrage.

On December 27, 11 political parties contested the presidential elections; parliamentary and local government elections were held at the same time. According to the Electoral Commission of Zambia (ECZ), Levy Mwanawasa, the MMD presidential candidate, was elected with 29 percent of the vote; runner-up Anderson Mazoka, the United Party for National Development (UPND) candidate, won 27 percent of the vote. The remaining 44 percent of the vote was divided among the other nine opposition candidates. The MMD won 69 out of 150 parliamentary seats, leaving it slightly short of a majority; the remaining 81 seats were divided among several opposition parties and 1 independent member. Approximately 55 percent of eligible voters registered; however, international and domestic monitors criticized the voter registration process as flawed and inadequate. Approximately 70 percent of registered voters cast ballots. Mwanawasa was expected to be sworn in on January 2, 2002.

Although noting general transparency during the voting, domestic and international observer groups cited irregularities in the registration process and problems in the tabulation of the elections. There were no reports of violence or overt intimidation during the elections. The MMD's use of government resources during campaigns, including the state-owned media, called into question the fairness of the elections. Opposition parties further alleged that significant rigging took place during the elections; however, such allegations were not proven by year's end. Three opposition parties reportedly planned to challenge the elections in court;

however, no challenge was initiated by year's end.

A series of parliamentary by-elections held during the year generally were representative of the will of the electorate; however, there were some irregularities such as the use of government transport by MMD officials during campaigns and the police denial of permits for the opposition to hold public rallies (see Section 2.b.). Opposition parties won three of these by-elections; however, these victories were not enough to challenge MMD dominance. In September during the Kabwata by-election, police enforced the rules that require political campaigning to occur a fixed distance beyond a polling station, requiring both the opposition Forum for Democracy and Development (FDD) and MMD officials to remove their supporters from the polling station. Police detained some unruly MMD supporters; the Government reportedly transferred some of the police officers to remote duty stations following the detentions.

Under the Constitution, the President exercises broad authority. The National Assembly ratifies major appointments and theoretically has broad powers, but the overwhelming majority held by the MMD until the December 27 election effectively precluded independent action by the legislature and limited its ability to provide a check on executive authority. Between January and May, M.P.'s, including high ranking members of the MMD, were instrumental in defeating attempts by supporters of President Chiluba to amend the Constitution to allow him to seek a third term of office. More than one-third of the M.P.'s signed a declaration opposing the third term, which prevented the President's supporters from gaining the two-thirds vote necessary to amend the Constitution. Citizens, mobilized by civil society organizations, also mounted sufficient political pressure to compel the Government to abandon its efforts. M.P.'s also initiated impeachment proceedings against the President. This act was largely a symbolic gesture, as the President retained sufficient support to block a two-thirds impeachment vote. The MMD attempted to expel 22 of its M.P.'s who were leaders in the anti-third-term movement following the party's convention in the beginning of May. A judge granted an injunction barring the MMD from expelling the M.P.'s. The Speaker of the National Assembly subsequently came under pressure from the MMD to declare the seats of the 22 M.P.'s vacant. The Speaker deferred to the court injunction, enabling the 22 to retain their seats until they chose to leave on their own.

The ECZ did not renew its contract with the controversial firm that had run the voter registration computer system in 1996. Parties and NGO's generally were satisfied that the new system was not subject to manipulation by the ruling party. However, the overall process of voter registration remained inefficient and difficult for eligible citizens to use and led to a low number of registered voters (55 percent) in the December elections. Provisions for a continuous registration system were enacted too late to be of use in the December 27 elections.

The percentage of women in government and politics does not correspond to their percentage of the population. During the December 27 parliamentary elections 18 women were elected to the 150-seat Parliament. Former ambassador Gwendoline Konie and Dr. Inonge Lewanika were the first women to run for president.

The percentage of minorities in government and politics does not correspond their percentage of the population. There were three ethnic Asians in Parliament prior to the December 27 parliamentary elections, one of whom was a minister. In April some of the President's supporters used racist language against two M.P.'s of Asian origin; they were not disciplined.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operate without government restriction, investigating and publishing their findings on human rights cases. Government officials generally are not cooperative or responsive to their views. Some civic education NGO's, particularly those actively opposed to the third-term campaign, complained of harassment by the Government or organizations supported by the Government.

Some domestic human rights organizations, including the Law Association of Zambia, Women for Change, the Catholic Commission for Justice and Peace, and the Zambia Civic Education Association continued to press for a transparent democratic electoral system. Human rights, development, and election NGO's monitored the 2000 by-elections and organized civic education activities focused on improving voter participation and information. Several of these organizations worked with the Electoral Commission to organize voter awareness campaigns and create conflict resolution bodies to address violations of the electoral code of conduct.

The Government was sensitive to criticism from human rights and civic organizations, particularly during the third-term debate. However, the President ultimately responded to NGO and other criticism by categorically stating his intention not to seek a third term (see Section 3).

In March police in Livingstone and Legal Resources Foundation (LRF), a local NGO, met to discuss possible LRF training in human rights for police officers. Some police and immigration officers previously complained that LRF protects criminals because of its work defending accused persons.

In 2000 Alfred Zulu, a prominent human rights activist, was detained and charged with financial fraud. Some observers alleged that Zulu was targeted because of his human rights activities; however, there was no evidence to support these allegations. No further action was taken by the Government against Zulu by year's end.

The Government generally did not interfere with inquiries or visits by international human rights organizations. For example, in February a group from Amnesty International conducted a 2-week visit of Lusaka prisons.

In 1997 the Government established the autonomous PHRC. A Supreme Court justice chairs the Commission; other members are drawn from throughout society and include the former head of the Foundation for Democratic Processes and a University of Zambia lecturer on human rights. The Commission interceded on behalf of persons whose rights it believed were denied by the Government. The Commission oversees human rights committees in all provincial capitals. The Commission has spoken out on behalf of detainees and prisoners. In 2000 the PHRC requested but did not receive funding to hire prison inspectors; until it obtains funding, its provincial committees are conducting periodic prison inspections (see Section 1.c.). In March the Government responded to the 2000 report of the commission of inquiry that investigated torture claims by detainees (see Section 1.c.).

#### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, tribe, sex, place of origin, marital status, political opinion, color, or creed. Constitutional amendments barring native-born citizens of partial or full foreign ancestry from the presidency appear to violate the prohibition on discrimination based on place of origin. These amendments also prohibit traditional chiefs, who are accorded authority and privileges as chiefs, from running for political office unless they resign their chieftainships. A legal challenge to these amendments in 1996 was unsuccessful.

#### Women

Domestic violence against women remained a serious problem. Wife beating and rape were widespread. Domestic assault is a criminal offense. Although the police have a Victim Support Unit (VSU) to attend to the problems of domestic assault, wife beating, mistreatment of widows by the deceased husband's relatives, and "property grabbing," in practice police often are reluctant to pursue reports of domestic violence, preferring instead to encourage a reconciliation. The Government and NGO's expressed continued concern about violence against women, and the media continued to devote considerable publicity to it during the year. According to official statistics, more than 4,700 rape cases were reported to the police between 1991 and 1998. Of these, approximately 30 percent resulted in conviction and 5 percent in acquittal. The remainder of the cases either were dismissed or remain unresolved. The courts normally sentence defendants convicted of rape to hard labor. Since many rape cases were not reported to the police, the actual number is considered to be much higher.

In August young women reportedly were among a group of persons abducted by UNITA soldiers for forced labor in Angola (see Sections 6.c. and 6.f.).

Both the Constitution and the law entitle women to equality with men in most areas; however, in practice women are disadvantaged severely in formal employment and education compared with men. Married women who are employed often suffer from discriminatory conditions of service. Women have little independent access to credit facilities; in most cases, they remain dependent on their husbands who are required to cosign for loans. As a result, few women own their own homes. However, some small financial institutions reportedly allow women to sign independently for loans.

Customary law and practice also place women in a subordinate status with respect to property, inheritance, and marriage, despite constitutional and legal protections. Polygyny is permitted if the wife first agrees to it at the time of her wedding. Under the traditional customs prevalent in most ethnic groups, all rights to inherit property rest with the deceased man's family. Under the law, the children of the deceased man equally share 50 percent of an estate; the widow receives 20 percent; the man's parents receive 20 percent; and other relatives receive 10 percent. The widow's share must be divided equally with any other women who can prove a marital relationship with the deceased man, thus granting inheritance rights to other wives, mistresses, and concubines.

In practice property grabbing by the relatives of the deceased man remains widespread, although increased training of local court officials has brought about a slight decrease in the number of incidents. Ignorance of the law on the part of victims is a problem. As a result, many widows receive little or nothing from the estate. The fines that the law mandates for property grabbing are extremely low. During the year, no action was taken on the Intestate Succession Act. In response to the President's criticism of property grabbing, the police, through its VSU, handled instances of property grabbing as criminal offenses.

NGO's that predominantly represented women's interests were particularly active as lobbying organizations. The Non-Governmental Organizations Coordinating Committee, an umbrella organization for women's NGO's, was influential in the Oasis Forum, formed to present an opposing view to the proposed presidential third-term constitutional amendment (see Section 3). Women for Change conducted a series of high profile human rights awareness programs with traditional leaders.

#### Children

The Government seeks to improve the welfare of children, but scarce resources and ineffective implementation of social programs continue to affect adversely the welfare of children. The Ministry of Sport, Youth, and Child Development, the Ministry of Education, the Ministry of Labor, and the Ministry of Community Development and Social Services have the responsibility for improving child welfare. Education is neither compulsory nor free. The number of children enrolled in public schools at the primary levels continued to decline. A lack of adequate educational facilities and a scarcity of educational materials are problems. Some areas have established community schools that in theory are free; however, these schools have fewer resources than public schools and require contributions from parents. The number of girls and boys in primary school is approximately equal; however, fewer girls attend secondary school.

Due to poverty, both rural and urban children often work in the informal sector to help their families make ends meet (see Section 6.d.). The number of street children in Lusaka increased from approximately 35,000 in 1991 to approximately 95,000 at year's end, partly because of the growing number of orphans whose parents have died from HIV/AIDS. Approximately 75 percent of all households are caring for at least one orphan; these children face greater risks of child abuse, sexual abuse, and child labor. Approximately 7 percent of households are headed by children due to the death of both parents. The Government instituted programs to increase public awareness of HIV/AIDS and attempted to address the problem of child labor by establishing a child labor unit with awareness programs in 2000. Child abuse was believed to be fairly common, but no statistics were available.

The Labor Ministry and the Ministry of Community Development cooperated in establishing a child labor office to address the problem of street children; in 2000 the Government established the Child Labor Working Group. There are laws that criminalize child prostitution, pornography, and sexual exploitation of children under the age of 21. Laws against child prostitution were not enforced effectively; however, cases of child pornography and sexual exploitation generally were enforced effectively (see Section 6.d.).

#### Persons with Disabilities

Persons with disabilities faced significant societal discrimination in employment and education. The Government took steps to ameliorate their hardships, including establishing a national trust fund to provide loans to persons with disabilities to help them start businesses, but its efforts were limited by scarce resources. The Government did not legislate or otherwise mandate accessibility to public buildings and services for persons with disabilities.

#### Section 6 Worker Rights

##### a. The Right of Association

The Constitution provides for the right of citizens to form trade unions, and approximately 60 percent of the 300,000 formal sector workers are unionized. Of the country's 19 large national unions, organized by industry or profession, 18 are affiliated with the Zambia Congress of Trade Unions (ZCTU). The ZCTU is operated democratically and, like its constituent unions, is independent of any political party and the Government. The Zambia Union of Financial and Allied Workers broke away from the ZCTU with four other unions in 1994 to establish a rival umbrella organization. The Primary Teachers Union of Zambia later joined this group. Four of the founding unions, including the Mineworkers' Union of Zambia, since have rejoined the ZCTU, leaving only the Zambia Union of Financial and Allied Workers and the Primary Teachers Union of Zambia outside the Congress.

The law codifies the "one union, one industry" principle and allows for a multiplicity of trade unions as well as federations of trade unions. The Bankers Union of Zambia, although registered with the Government in 1993, was unable to operate because the employers recognize the existing Zambia Union of Financial and Allied Workers. The Secondary School Teachers Union of Zambia (SSTUZ) and the Zambia National Teachers Union (ZNUT) continued to operate; however, most teachers still belong to the ZNUT. The ZNUT lost bargaining power when some members switched to separate unions for primary and secondary school teachers; however, these unions experienced difficulty gaining attention from the Government. Unions continued to experience increasing fragmentation due to a shrinking formal sector and 1993 changes in labor laws that decreased union leverage. Only 11 percent of the eligible workforce was employed in the formal sector.

All workers have the right to strike, except those engaged in essential services. In addition to the Zambia Defense Force, the judiciary, the police, the prison service, and the Intelligence Security Service, the law defines as essential services power, medical, water, sewerage, fire fighting, and certain mining occupations essential to safety. It permits strikes only after all other legal recourse has been exhausted. The result is that there has not been a legal strike since 1993. The law prohibits employers from retribution against employees engaged in legal union activities. Workers engaged in illegal strikes do not enjoy this protection.

In February the Magistrates and Judges Association of Zambia went on strike until their salaries and conditions of service were improved. Also in February, nurses started a strike that lasted for several months. In April and June, civil servants, city/town/district council workers, public service workers, and teachers went on strike. The workers were striking for increased salaries and improved conditions of service. The strikes were settled when workers were awarded nominal salary increases. No action was taken against the workers engaged in these strikes.

The 2000 strike involving resident doctors was resolved, and most resident doctors returned to work with increased salaries and better working conditions (see Section 2.d.).

The ZCTU came under criticism for opposing the presidential third-term amendment; however, no action was taken against ZCTU leaders or members.

By a majority vote of its members, a union may decide on affiliation with the ZCTU or with trade unions or organizations outside the country. The ZCTU is a member of the International Confederation of Free Trade Unions, and a citizen currently holds the presidency of that body. Labor leaders travel without restrictions to international conferences and to visit counterparts abroad.

#### b. The Right to Organize and Bargain Collectively

Employers and unions in each industry negotiate collective bargaining agreements through joint councils in which there is no government involvement. Civil servants and teachers, as public officials, negotiate directly with the Government. Collective disputes are referred first to conciliation. If conciliation fails to resolve the dispute, the parties may refer the case to the Industrial Relations Court (IRC), or, in the case of employees, vote to strike. In practice the industry joint councils function effectively as collective bargaining units.

The law prohibits discrimination by employers against union members and organizers. An employee who believes that he has been penalized for union activities may, after exhausting any existing administrative channels for relief, file a complaint with the IRC. This court has the power to order appropriate redress for the aggrieved worker. The complainant may appeal a judgment of the IRC to the Supreme Court. In practice the IRC often orders employers to reinstate workers found to have been victims of discrimination. The IRC, like other courts, has inadequate resources to address all cases before it in a timely manner.

There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor; however, it authorizes the Government to call upon citizens to perform labor in specific instances, for example, during national emergencies or disasters. The Government also can require citizens to perform labor that is associated with traditional civil or communal obligations, as when all members of a village are called upon to assist in preparing for a visit by a traditional leader or other dignitary.

The Government prohibits forced and bonded labor by children, and in practice the labor authorities enforce the legal proscriptions when cases violating the law are brought to their attention (see Section 6.d.). However,

there were reports that UNITA rebels abducted persons, particularly young persons, for forced labor in Angola (see Sections 5, 6.d., and 6.f.).

#### d. Status of Child Labor Practices and Minimum Age for Employment

The legal minimum age for employment of children is 16 years. The Labor Commissioner effectively enforced this law in the industrial sector, where, because of high adult unemployment, there is little demand for child labor. Child labor is most concentrated in the hotel and catering industries, construction, farming, transportation, prostitution, and household work. The law was not enforced for those who work in subsistence agriculture, domestic service, and informal sectors, where children under the age of 16 often are employed. Acute family poverty levels and economic factors contribute to child labor. The problem has been compounded by the HIV/AIDS epidemic, which has produced a growing number of orphans. In urban areas, children commonly engage in street vending. The International Labor Organization (ILO) estimated that approximately 564,000 children were in the work force during the year. Approximately 85 percent of those children are engaged in the worst forms of child labor, including street begging and prostitution. The Government has signed but not ratified ILO Convention 182 on the worst forms of child labor.

In 2000 the Government established an interministerial working group, the National Steering Committee of the National Country Program on Child Labor, to coordinate efforts at addressing the root causes of child labor.

The Government prohibits forced and bonded labor by children, and the authorities enforced legal proscriptions when violations were brought to their attention; however, while in general forced or bonded labor was not a problem, there were reports that UNITA rebels abducted young persons for labor in Angola (see Sections 5 and 6.f.).

#### e. Acceptable Conditions of Work

The minimum wage for nonunionized workers is set at \$0.07 (245 kwacha) per hour. Based on a 48-hour workweek, the legal maximum for nonunionized workers, a worker earning the minimum wage would receive \$12.70 (47,000 kwacha) per month. The minimum wage covers nonunionized workers in categories such as general workers, cleaners, office orderlies, and watchmen. The minimum wage is insufficient to provide a worker and family with a decent standard of living, and most minimum wage earners supplement their incomes through second jobs, subsistence farming, or reliance on the extended family.

With respect to unionized workers, wage scales and maximum workweek limits are established through collective bargaining. In practice almost all unionized workers receive salaries considerably higher than the nonunionized minimum wage. The minimum workweek for full-time employment is 40 hours and is, in practice, the normal workweek. The law requires 2 days of annual leave per month of service.

The law also regulates minimum health standards in industry, and the Department of Mines is responsible for enforcement. Factory safety is handled by the Inspector of Factories under the Minister of Labor, but staffing problems limited enforcement effectiveness. There are provisions in the law to protect the right of workers to remove themselves from work situations that endanger health or safety without jeopardy to their continued employment.

#### f. Trafficking in Persons

The Constitution prohibits trafficking of children under the age of 18, as well as trafficking in women for immoral activities; however, there are no other laws prohibiting trafficking in persons. There were some reports of trafficking of Zambian women to South Africa.

Angolan Government forces and UNITA deserters abducted citizens and forced them to accompany them back to Angola, where the abductees were forced to herd cattle, carry logistical supplies, and engage in prostitution.

When incidents have been alleged, the Government has investigated them and, in one case, tried an accused trafficker who was acquitted.